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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,773	07/26/2001	Courtney Flem Morgan	SU/V-31557P1	6895

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EXAMINER

MATTHEWS, WILLIAM H

ART UNIT PAPER NUMBER

3738

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,773

Applicant(s)

MORGAN ET AL.

Examiner

William H. Matthews (Howie)

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-19-05.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-14 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12-19-05 have been fully considered but they are not persuasive.
2. With regard to Uhler et al. in view of Brady et al., Applicant contends Brady et al. does not cure the deficiencies of Uhler et al. because Brady et al. teaches away from the proposed combination of Uhler and Brady et al.. Examiner disagrees because Uhler et al. teach at column 4 lines 37-42 that the lens may be made from any biocompatible material and provides PMMA as an example. Brady et al. provides motivation to use a foldable or rollable material in order to reduce the insertion profile over a lens made from hard materials.
3. Applicant further states Examiner is broadly interpreting the Brady passage at column 8 lines 24-34 ("The fold can be along any desired diameter so as to place the fixation members 15 and 17 in the desired position for insertion.") and provides reference to column 9 lines 18-20 and figure 7 to suggest Brady et al. only teach folding about line 3-3 of Figure 7. The Examiner disagrees because column 8 lines 24-34 clearly describe folding along any axis, the passage at column 9 lines 18-20 states "The implantation procedure **may** be essentially the same as known procedures.", and the fixation members are described as flexible so as not to impede the implantation process (column 8 lines 34-35). Therefore one of ordinary skill in the art would not limit the teachings of Brady et al. to the narrow interpretation Applicant describes.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,4-7,9,11-14,20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uhler et al. US PN 4,468,820 in view of Brady et al. US PN 5,476,513.

Uhler et al. discloses in figures 4-6 an intraocular lens comprising a lens body having a thickness greater than a peripheral edge thickness wherein the peripheral edge includes two thicker flared portions for attaching haptics. The lens body is disclosed to include PMMA. Uhler lacks the express written disclosure of the lens being foldable. Brady et al. teaches in abstract an intraocular lens comprising a foldable lens body about all axes in order to assist implantation through smaller incisions.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lens disclose by Uhler et al. by making the lens foldable as taught by Brady et al. in order to assist implantation through smaller incisions.

3. Claims 3,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uhler et al. US PN 4,468,820 in view of Brady et al. US PN 5,476,513 as applied to claims 1 and 9 above, and in further view of Bissonette et al. US PN 4,725,276.

Uhler et al. meets the structural limitations of claims 3 and 10 as described above but lacks the express written disclosure of thermally welding the haptics to bores.

Bissonette et al. discloses an intraocular lens having haptics thermally welded to bores in order to securely attach the haptics to the lens body.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the intraocular lens disclosed by Uhler et al by thermally welding the haptics to the bores in order to securely attach the haptics to the lens body as taught by Bissonette et al.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Matthews (Howie) whose telephone number

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is 571-272-4753. The examiner can normally be reached on Monday-Friday 10-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine M. McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William H. Matthews (Howie)
Examiner
Art Unit 3738


CORRINE McDERMOTT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700